

1 DAVID CHIU, SBN 189542
City Attorney
2 YVONNE R. MERÉ, SBN 173594
Chief Deputy City Attorney
3 SARA J. EISENBERG, SBN 269303
Chief of Complex & Affirmative Litigation
4 ADAM M. SHAPIRO, SBN 267429
MOLLY J. ALARCON, SBN 315244
5 Deputy City Attorneys
Fox Plaza
6 1390 Market Street, 6th Floor
San Francisco, California 94102-5408
7 Telephone: (415) 554-3894
Facsimile: (415) 437-4644
8 E-Mail: Molly.Alarcon@sfcityatty.org

9 Attorneys for DEFENDANTS

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13
14 WALTER SPURLOCK and ANDRE
GUIBERT,

15 Plaintiffs,

16 v.

17 CITY AND COUNTY OF SAN
FRANCISCO, AIRPORT COMMISSION OF
18 THE CITY AND COUNTY OF SAN
FRANCISCO, KEABOKA MOLWANE in his
19 individual capacity and official capacity as
Aviation Security and Regulatory Compliance
20 Officer at the San Francisco International
Airport, and JEFF LITTLEFIELD in his
21 individual capacity and official capacity as
Chief Operating Officer at San Francisco
22 International Airport,

23 Defendants.

Case No. 3:23-cv-4429

**DEFENDANTS' REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF MOTION TO
DISMISS THE SECOND AMENDED
COMPLAINT**

REQUEST FOR JUDICIAL NOTICE

Defendants respectfully request that the Court take judicial notice of relevant portions of the Charter of the City and County of San Francisco (“S.F. Charter”): Article 1, section 1.101 and Article IV, sections 4.100, 4.102, 4.115, and 4.126. These provisions are attached as **Exhibit A** to the Declaration of Molly J. Alarcon in Support of Defendants’ Request for Judicial Notice (the “Declaration”). They are also available online at the URLs indicated in the Declaration.

Pursuant to Federal Rule of Evidence 201, the court “may judicially notice a fact that is not subject to reasonable dispute because it: (1) is generally known within the trial court’s territorial jurisdiction; or (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b). As a public record, the S.F. Charter is a proper matter for judicial notice. *E.g., Santa Monica Food Not Bombs v. City of Santa Monica*, 450 F.3d 1022, 1025 n.2 (9th Cir. 2006) (taking judicial notice of portions of city ordinances); *Dudum v. Arntz*, 640 F.3d 1098, 1101 n.6 (9th Cir. 2011) (taking judicial notice of election results on city website).

These provisions of the S.F. Charter are relevant to Defendants’ arguments in their Motion to Dismiss the Second Amended Complaint that the Airport Commission of the City and County of San Francisco is not a proper Defendant in this matter. *See* Defendants’ Memorandum of Points and Authorities in Support of Motion to Dismiss the SAC, Section VI. For these reasons, Defendants respectfully request that the Court take judicial notice of Article 1, § 1.101, and Article IV, §§ 4.100, 4.102, 4.115, and 4.126 of the S.F. Charter.

Dated: February 22, 2024

Respectfully submitted,

DAVID CHIU
City Attorney
YVONNE R. MERÉ
Chief Deputy City Attorney
SARA J. EISENBERG
Chief of Complex & Affirmative Litigation
ADAM M. SHAPIRO
MOLLY J. ALARCON (she/her)
Deputy City Attorneys

By: /s/ MOLLY J. ALARCON
MOLLY J. ALARCON
Attorneys for Defendants